

REMARKS

The amendment does not involve new matter. The specification has been amended to point out features shown in the drawings. The abstract has been amended to reduce its length and use less claim phraseology. Claims 7, 15 and 16 have been amended to use language conforming to language in the specification. Claim 1 has been amended to include the limitation from claim 11. Claims 18-20 have been amended to provide antecedent basis. Claims 3, 8, 10, 18 and 20 have been placed in independent form. New claims 21-22 are supported by the paragraph bridging pages 8 and 9, particularly as it is amended.

The allowance of claims 12-17, and the indication of allowable subject matter in claims 3-6, 8-10, 18 and 20 is noted with appreciation.

In the outstanding Office Action, the abstract was objected to, the specification was objected to for not providing antecedent basis for claim language in claim 15, claims 7, 15 and 16 were objected to, and claims 18-20 were rejected under 35 U.S.C. § 112, second paragraph. The Examiner's helpful suggestions have been utilized, and the specification, abstract and claims amended in ways that are believed to overcome all of the objections and 35 U.S.C. § 112 rejections.

In the outstanding Office Action, claims 1, 2, 7, 11 and 19 were rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 4,525,182 (Rising). This rejection is respectfully traversed. Claim 1 calls for, *inter alia*, a filter for filtering intravenous fluid comprising: a) a base member having an outer perimeter, one or more vent holes and a fluid inlet chamber; b) a cap member having an outer perimeter, an inlet, an outlet and a fluid outlet chamber, wherein the one or more vent holes are positioned generally opposite the inlet; and c) generally planar hydrophilic filtration media mounted between the base member and the cap member, separating the inlet chamber and the outlet chamber. The Office Action takes the position that the vent holes 30 and 32 of Rising are positioned generally opposite the inlet. However, Fig. 4 of Rising shows that the inlet 20 is on the far side of the filter holder 10, and not generally opposite the vent holes 30 and 32. In fact, col. 2, lines 43-45, states that the liquid wettable membrane "is

positioned adjacent the inlet". Fig. 1 also shows that the inlet of Rising is offset compared to the vent holes. Since Rising does not disclose each of the features of claim 1, nor would it have been obvious to amend Rising to include this feature, claim 1, and claims 2, 7, 19, and 21-22 dependent thereon, are patentable over Rising.

Claim 19 is further patentable over Rising. Claim 19 requires that the inlet and outlet both comprises tubing connectors, and that the tubing connectors are in line with one another. Figures 1, 2, 8 and 12, and page 7, lines 24-27, of the present application show and describe how the tubing connectors are in line with one another, which helps to balance the filter side to side so that when the filter is suspended from an intravenous fluid source, the filter hangs straight up and down and does not cause kinks in the tubing. In Rising the tubing connectors are not in line with one another.

Claims 21 and 22 are further patentable over Rising. Claim 21 requires the vent media to be directly opposite the inlet. Claim 22 requires the fluid flow entering the inlet chamber to be directed toward the vent media. In Rising, the fluid flow coming in the inlet has to be redirected, and ends up flowing transverse to the vent media, whereas in the preferred embodiment of the present invention the fluid flow entering the inlet chamber is directed toward the vent media.

Thus, all the claims pending in the application are allowable over the cited prior art. Since all of the claims are allowable, and the objection has been overcome, it is believed that the case is in condition for allowance.

Respectfully submitted,

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